

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

ELECTRON HYDRO LLC,

Defendant.

CASE NOS. C20-1746-JCC;
C21-5171-JCC

ORDER

This matter comes before the Court *sua sponte*. There are two cases pending in the Western District of Washington, Seattle Division, that pose the same question: whether Electron Hydro LLC violated the Clean Water Act when it used field turf to line a bypass channel while performing improvements to a dam and spillway that the company operated on the Puyallup River. *See United States of America v. Electron Hydro LLC*, C20-1746-JCC; *Citizens for a Healthy Bay, et al. v. Electron Hydro LLC*, C21-5171-JCC.

Given the similarity of issues and the parties' stipulated agreement to consolidation of these cases at the April 28, 2021 status conference, (*see* C20-1746-JCC, Dkt. No. 16; C21-5171-JCC, Dkt. No. 13), the Court concludes that consolidation is proper. The determination is based on a consideration of the interests of justice, expeditious results, conservation of resources, avoiding inconsistent results, and the potential of prejudice. *See Inv'rs Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 877 F.2d 777 (9th Cir. 1989); *see also Adams Apple, Inc. v. Central*

1 *Washington Bank*, 829 F.2d 1484, 1487 (9th Cir. 1987) (“[T]rial courts may consolidate cases
2 *sua sponte*.”).

3 Accordingly, the Court hereby ORDERS that the following cases be consolidated: *United*
4 *States of America v. Electron Hydro LLC*, C20-1746-JCC, and *Citizens for a Healthy Bay, et al.*
5 *v. Electron Hydro LLC*, C21-5171-JCC. All future filings shall bear the caption and case number
6 of the first-filed case, *United States of America v. Electron Hydro LLC*, C20-1746-JCC.

7 The Court DIRECTS the clerk to administratively close the remaining case, *Citizens for a*
8 *Healthy Bay, et al. v. Electron Hydro LLC*, C21-5171-JCC.

9 The parties are ORDERED to provide the Court with a proposed consolidated case
10 management schedule within fourteen (14) days of this order. That schedule should include a
11 proposed trial date. All future documents related to either case shall be filed in Case No. C20-
12 1746-JCC. The caption for the filings shall include the words “This Document Relates To:” and
13 followed by either “C20-1746-JCC,” “C21-5171-JCC,” or “Both Cases.”

14 The Court also DIRECTS the Clerk to terminate the outstanding stipulated motion for a
15 protective order, Docket Number 14, in *United States of America v. Electron Hydro LLC*, Case
16 No. C20-1746-JCC. If the parties seek a protective order for the now-consolidated case, they
17 may so stipulate.

18 DATED this 28th day of April 2021.

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22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
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